

EXHIBIT 12

AppStoreNotices <appstorenotices@apple.com>

3/13/2025 4:27 PM

Apple Inc. (our ref# APP227350)

To info@kennetheade.com Copy dev@develup.pro • devup2012@gmail.com • dimanovik1989@gmail.com •
dudkevych.od@gmail.com • kuzhelod@gmail.com • sermiasnik@gmail.com • vc@develup.pro • yan.ardatovskiy@gmail.com

Please include APP227350 in the subject line of any future correspondence on this matter as failure to do so may prevent our system from properly recording your response.

Hello,

Thank you for your response. Unfortunately, Apple cannot serve as arbiter for disputes among third parties. Please work directly with DEVELUP PE at the email address provided below to resolve any concerns you may have.

Developer: DEVELUP PE

Provider: DEVELUP PE

App Title: Rail Monsters: Train Tickets

Apple ID: 6472889448

Email Contact(s): dev@develup.pro, devup2012@gmail.com, dimanovik1989@gmail.com, dudkevych.od@gmail.com,
kuzhelod@gmail.com, sermiasnik@gmail.com, vc@develup.pro, yan.ardatovskiy@gmail.com

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Please keep us apprised of your progress.

Sincerely,

James

🍏 Apple Legal | Apple | One Apple Park Way Cupertino, CA 95014 |

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----- Original Message -----

From: info@kennetheade.com

Subject: Re: Apple Inc. (our ref# APP227350)

Date: March 3, 2025 at 1:09:47 AM
To: AppStoreNotices@apple.com
Cc:

Dear Apple Dispute Team,

We are not able to resolve this with the infringer, which is the same company, Develop, PE that wrote the rights holder's app for hire. I previously fgate you a copy of the contract my client has with this developer, and I attach it again. This contract makes my client the owner of the Railmonsters app (<https://apps.apple.com/us/app/rail-monsters-train-tickets/id6472889448P>, which is based on the source code developed by Develop PE for the Rail Ninja app (<https://apps.apple.com/us/app/rail-ninja-train-tickets/id6450311501>).

We are preparing a copyright infringement lawsuit against Develop PE and others. It is clear that Develop PE, my client's contracting party, is infringing upon my client's rights by offering this app through your store and you have clear notice of this. Under the DMCA, in order to have your safe harbor under 17 USC section 512, you must remove this content immediately. If Develop PE wishes to contest the infringement, it may file a counter notice with you to restore the content, with which we will respond immediately with the copyright infringement suit. This is the easiest way out of this for Apple. I suggest you take it.

Please govern yourselves accordingly,

Kenneth Eade
Attorney for Rights Holder

----- Original Message -----

From: dev@develop.pro
Subject: Re: Apple Inc. (our ref# APP227350) Notice of Complaint
Date: February 25, 2025 at 12:49:37 PM
To: appstorenotices@apple.com
Cc: devup2012@gmail.com, dimanovik1989@gmail.com, info@kennetheade.com, kuzhelod@gmail.com, vc@develop.pro

Dear Apple Legal Team,

We formally contest the false and legally unfounded DMCA takedown notice submitted by Kenneth Eade on behalf of Rail Ninja. Their claim fails to meet the legal standard under 17 U.S.C. § 512 and should not serve as the basis for removing our application.

1. Misrepresentation of Contractual Terms (Sections 5.1–5.4)

Rail Ninja's attorney asserts that Sections 5.1–5.4 of a contract between Rail Ninja and a third-party developer (Develop PE) grant them exclusive

ownership of the Rail Monsters application. This assertion is false and misleading for the following reasons:

- The contract exclusively covers the development of Rail Ninja's own application and does not extend to any unrelated future projects.
- Rail Monsters was developed entirely independently, with no shared source code, UI, backend, API, or technical elements from Rail Ninja.
- The contract does not impose a work-for-hire arrangement beyond the specific project for Rail Ninja. It does not grant them control over subsequent, distinct applications.
- Rail Monsters is an entirely separate product in terms of design, functionality, user flow, and system architecture. There is no factual or legal basis to claim it is a derivative work.

2. No Basis for DMCA Safe Harbor Removal Under 17 U.S.C. § 512

Apple is not legally obligated to remove an application unless there is substantial evidence of copyright infringement. In this case:

- Rail Ninja has provided no direct evidence of infringement. Their notice lacks any comparative analysis of source code, UI design, or technical functionality.
- General app functionality, such as ticket booking, search, and checkout, is not copyrightable. Rail Ninja cannot claim exclusive rights to standard industry features.
- Copyright law protects specific expressions of work, not general concepts or workflows. Rail Monsters is a distinct and independently developed application.

We request that Apple not take action unless Rail Ninja provides verifiable, concrete proof of infringement.

3. Willingness to Provide Source Code for Independent Review

To further substantiate our position, we are prepared to submit our full source code for independent analysis, on the condition that Rail Ninja does the same. This will conclusively establish that no intellectual property has been misappropriated.

4. Evidence of Anti-Competitive Intent

This DMCA takedown notice appears to be part of a broader bad-faith strategy to obstruct competition rather than to protect legitimate intellectual property. The same individual, Vyacheslav Shirokov, has also

filed a bad-faith trademark application (USPTO Serial No. 99054034) for "Rail Monsters" in an attempt to block our brand from the market. This demonstrates a deliberate misuse of legal claims to interfere with a competitor's business.

5. Request for Apple to Maintain Our Application

Given the above, we respectfully request that Apple:

1. Decline to take action against Rail Monsters unless Rail Ninja provides direct, verifiable proof of copyright infringement.
2. Recognize that Sections 5.1–5.4 of the referenced contract do not grant Rail Ninja ownership over Rail Monsters, nor do they establish any derivative relationship.
3. Allow both parties the opportunity to submit source code for independent analysis, should further verification be required.

We are available to provide additional documentation, development logs, or any other necessary materials for clarification. Please confirm receipt of this response and Apple's position regarding the request.

Best regards,

вт, 25 февр. 2025 г. в 21:36, Eade Kenneth <info@kennetheade.com>:

> Dear Apple Legal Team,

>

> You were served with a DMCA takedown notice. This response is not a
> counter notice. Therefore, you have the immediate duty to remove the app
> from your store or lose your safe harbor from prosecution under 17 USC
> section 512. I have attached the development contract my client has with
> the developer, Develup PE, who wrote this response, providing that the app
> and anything derivative of it is his exclusive property. Please pay close
> attention to sections 5.1 through 5.4 of the contract. It is very clear.
> Please confirm the removal of the app from your store.

>

> Sincerely,

>

> Kenneth Eade
> Attorney at Law

>

> On 02/25/2025 1:36 PM EST Vlad Che <dev@develup.pro> wrote:

>

>
> Dear Apple Legal Team,
>
> We are writing in response to the copyright complaint (Ref# APP227350)
> filed by Vyacheslav Shirokov (Rail Ninja).
>
> 1. The Claim is Misleading & Lacks Legal Basis
> • While one of our developers previously worked on Rail Ninja's app, this
> does not mean that any source code or intellectual property was copied.
> • The Rail Monsters app was built from scratch, with entirely original
> code and does not contain any material from Rail Ninja.
>
> 2. No Exclusive Rights Were Assigned to Rail Ninja
> • The developer did not have any contractual obligation (such as a
> work-for-hire agreement, NDA, or IP assignment) preventing them from
> working on other train ticketing apps.
> • Without such a contract, their claim has no legal foundation under
> copyright law.
>
> 3. Copyright Law Does Not Apply to Their Claim
> • General app functionality (e.g., booking train tickets, notifications,
> search filters, etc.) is not copyrightable.
> • They have not provided any proof of copied source code because none
> exists.
> • Even if they had a claim, they would need to show exact source code
> similarities, which they have failed to do.
>
> 4. This is an Anti-Competitive Attack, Not a Real Copyright Issue
> • The same individual (Vyacheslav Shirokov) has also filed a fraudulent
> trademark application for "Rail Monsters" (USPTO Serial No. 99054034) in an
> attempt to block our business.
> • This complaint appears to be part of a coordinated effort to eliminate
> competition rather than protect legitimate intellectual property.
>
> 5. We Request Apple to Dismiss This Claim
> • Since no actual copyright infringement has occurred, we kindly request
> Apple to reject this baseless complaint.
> • We are prepared to provide documentation proving that our app was
> developed independently if required.
>
>
> Please confirm that our response has been received and that no action will

> be taken against our app based on this unfounded claim.
>
>
> вт, 25 февр. 2025 г. в 19:38, appstorenotices <AppStoreNotices@apple.com>:
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>
> **Please include APP227350 in the subject line of any future
> correspondence on this matter as failure to do so may prevent our system
> from properly recording your response.**
>
> Hello,
>
> On 2/25/2025, we received a notice from Vyacheslav Shirokov (Kenneth Eade
> Attorney at Law) ("Claimant") that Claimant believes the app listed below
> infringes its intellectual property rights. In particular, Claimant
> believes you are infringing its copyright. Please see their comments
> below.
>
> Developer: DEVELUP PE
> Provider: DEVELUP PE
> App Title: Rail Monsters: Train Tickets
> Apple ID: 6472889448
>
> Comment: The source code used for the app is identical to the copyrighted
> source code on the rights owner's original app, Rail Ninja (which went into
> service in 2023), and was obtained illegally by the developer, who also
> assisted the copyright holder in developing the app as a work for hire.
> -
>
> You can reach Claimant through Kenneth Eade (email: info@kennetheade.com),
> copied on this email. Please exchange correspondence directly with
> Claimant.
>
> We look forward to receiving written assurance that your application does
> not infringe Claimant's rights, or that the parties are taking steps to
> promptly resolve the matter. Please keep us apprised of your progress.
>
> Please note that during the course of this matter:
>
> 1. Correspondence to Apple must include the reference number noted above

> in the subject line and copy the other party. All correspondence sent to
> Apple may be shared with the other party.
>
> 2. Written assurance of rights may include confirmation that your
> application does not infringe Claimant's rights, an express authorization
> from Claimant, or other evidence acceptable to Apple, and should include
> documentation wherever possible.
>
> 3. Should you choose to remove your application (for example, while you
> make any necessary changes), visit App Store Connect at
> <https://appstoreconnect.apple.com> and access your app in the Manage Your
> Application module.
>
> • Access your app in the "My Apps" module
> • Click on the "Pricing and Availability" tab from the App Summary Page
> and select "Edit" by "Availability"
> • Select and deselect "All" territories to uncheck all App Store
> territories
> • Click on the "Done" button
>
> 4. Developers with a history of allegations of repeat infringement, or
> those who misrepresent facts to Apple and/or the Claimant are at risk of
> termination from the Developer Program.
>
> 5. Failure to respond to the Claimant or to take steps toward resolving a
> dispute may lead to removal of the app(s) at issue as in violation of the
> App Store Review Guidelines and/or the iOS Developer Program License
> Agreement. Please keep Apple apprised of your progress.
>
> Thank you for your immediate attention.
>
> Sincerely,
>
> Zelda
>
> 🍏 Apple Legal | Apple | One Apple Park Way Cupertino, CA 95014 |
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